

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MICHAEL G. PITMAN (DCBN 484164)
Assistant United States Attorney
150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5040
Facsimile: (408) 535-5081
Email: michael.pitman@usdoj.gov

COREY J. SMITH (MABN 553615)
Senior Litigation Counsel
United States Department of Justice

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

STIPULATION TO EXCLUDE
TIME FROM NOVEMBER 1, 2021
THROUGH JANUARY 24, 2022 AND
~~[PROPOSED]~~ ORDER

It is hereby stipulated by and between counsel for the United States and counsel for the Defendant Carlos E. Kepke, that time be excluded under the Speedy Trial Act from November 1, 2021 through January 24, 2022.

At the status conference held on November 1, 2021, the government and counsel for Defendant agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery that has been produced. The government and counsel for Defendant further hereby stipulate and agree that this matter is complex, as defined in 18 U.S.C. § 3161(h)(7)(B)(ii), due to the breadth and duration of the conduct alleged in the Indictment, and the fact

1 that the discovery is voluminous.

2 For these reasons, and as further stated on the record at the status conference, the parties stipulate
3 and agree to exclude time until January 24, 2022, and further stipulate and agree that the ends of justice
4 served by excluding the time from November 1, 2021 through January 24, 2022 from computation under
5 the Speedy Trial Act outweighs the best interests of the public and Defendant in a speedy trial. 18
6 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(ii), (h)(7)(B)(iv).

7 The undersigned Assistant United States Attorney certifies that he has obtained approval from
8 counsel for Defendant to file this stipulation and proposed order.

9
10 IT IS SO STIPULATED.

11 STEPHANIE M. HINDS
12 Acting United States Attorney

13 s/ Michael G. Pitman
14 MICHAEL G. PITMAN
15 Assistant United States Attorney
16 COREY J. SMITH
17 Senior Litigation Counsel

18 Attorneys for United States of America

19 s/ Grant P. Fondo
20 GRANT P. FONDO

21 Attorney for Defendant Carlos E. Kepke


22 ~~[PROPOSED]~~ ORDER

23 Based upon the facts set forth in the stipulation of the parties and the representations made to the
24 Court on November 1, 2021 and for good cause shown, the Court finds that time should be excluded
25 from November 1, 2021 through January 24, 2022 under the Speedy Trial Act because of the complexity
26 of the case, and also that failing to exclude the time from November 1, 2021 through January 24, 2022
27 would unreasonably deny defense counsel and Defendant the reasonable time necessary for effective
28 preparation, taking into account the exercise of due diligence. 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A),

1 (h) (7)(B)(ii), (h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
2 from November 1, 2021 to January 24, 2022 from computation under the Speedy Trial Act outweigh the
3 best interests of the public and Defendant in a speedy trial. Therefore, and with the consent of the
4 parties, IT IS HEREBY ORDERED that the time from November 1, 2021 through January 24, 2022
5 shall be excluded from computation under the Speedy Trial Act.

6
7 IT IS SO ORDERED.

8
9 DATED: December 3, 2021



JAMES DONATO
United States District Judge